

JAMES W. O'CONNOR

IBLA 76-540

Decided October 18, 1976

Appeal from decision of the Nevada State Office, Bureau of Land Management, rejecting simultaneous oil and gas lease offers N-12675 and N-12676.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

A simultaneous oil and gas lease offer is properly rejected when the applicant has not fully executed the drawing entry card by failing to identify on the card the state in which the parcel of land is located.

APPEARANCES: James W. O'Connor, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Appellant, James W. O'Connor, filed drawing entry cards for parcels listed in the monthly list of lands offered for simultaneous oil and gas leasing. His cards for those parcels, # 953 and # 954, were drawn first. Appellant's offers, however, were rejected by the Nevada State Office, Bureau of Land Management (BLM), by decision of March 1, 1976, as they did not bear the name of the state where the tract in question was situated.

Appellant argues that an entry card mailed to the BLM State Office in Nevada accompanied by a check made payable to that office could hardly be construed except as an application for a lease on a Nevada parcel. However forceful this argument may be at first blush, the applicable regulations are clear on their face both with respect to the required execution of the offer to lease and the penalty for noncompliance therewith.

[1] Offers to lease submitted in response to a notice of simultaneous offering must be filed on a drawing entry card

which is "signed and fully executed by the applicant." (Emphasis added.) This requirement is stated in the instructions on the application card submitted by the appellant (BLM Form 3112-1, May 1974), and is formally codified at 43 CFR 3112.2-1(a). The same notice which designated the BLM drawing entry cards as the correct form of lease offer for simultaneous filing stipulated, at 34 F.R. 24523 (1974), that:

Failure to complete any part of the card will disqualify the applicant for participation in the drawing and will result in the retention of the \$ 10 filing fee by the Federal Government as a service charge.

The facts of the present case are virtually identical to those presented in Jerry Van Waardhuizen, 26 IBLA 152 (1976); Ray Granat, 25 IBLA 115 (1976), and Rexmull F. Manyeto, 25 IBLA 218 (1976). The Board has held, in all of these cases, that failure to include on the drawing entry card the name of the state where the parcel is located requires the rejection of the applicant's offer and retention of the drawing entry fee. These decisions control the case at bar.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

---

Frederick Fishman  
Administrative Judge

We concur:

---

Joan B. Thompson  
Administrative Judge

---

Anne Poindexter Lewis  
Administrative Judge

